

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PETER WEST, SP 2014-HM-183 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction to certain yard requirements to permit construction of an accessory structure 10.0 ft. from a side lot line. Located at 1638 Irvin St., Vienna, 22182, on approx. 21,781 sq. ft. of land zoned R-1. Hunter Mill District. Tax Map 28-4 ((10)) 41. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 19, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The owner of the property is the applicant.
2. The Board has a favorable staff recommendation and adopts the rationale in the staff report.
3. The structure appears to be attractive.
4. Given the development conditions, any potential impacts would be satisfactorily mitigated.
5. The Board has determined that all of the standards in the Sect. 8-922 resolution have been met.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This Special Permit is approved only for the detached accessory structure (garage) as shown on the plat titled "Special Permit Plat 1638 Irvin Street" prepared by Walter L. Phillips dated April 25, 2014, and revised on July 23, 2014, submitted with this application, and is not transferable to other land.
2. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

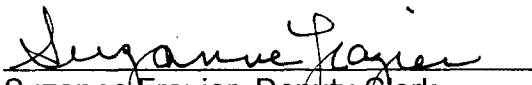
3. The architectural style and materials of the garage shall be compatible with the existing dwelling.
4. All individual trees to be preserved/conserved and all areas designated to be left undisturbed shall be protected by tree protection fencing as set forth below. Tree protection fencing shall consist of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart and shall be erected at the limits of clearing and grading. All tree protection fencing shall be installed prior to any grading or construction activity on the site.
5. The Callery pear (*Pyrus calleryana*) tree located between the proposed garage and the fence shall be removed and replaced with an evergreen tree such as American arborvitae (*Thuja occidentalis*) or Nellie Stevens' holly (*Ilex x Nellie Stevens*) within six months of completion of the proposed garage. The tree shall be planted in accordance with the Virginia Cooperative Extension Service, "Tree and Shrub Planting Guidelines," publication 530-295.
6. The upstairs of the garage shall be used for storage and shall not be converted to habitable living space.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction of the addition has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Smith and Mr. Beard were absent from the meeting.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals